

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

DAVID ANTHONY STOCKER,)
)
Plaintiff,)
) No. 1:13-CV-312
v.)
) Judge Curtis L. Collier
CAROLYN W. COLVIN,)
Commissioner of Social Security,)
)
Defendant.)

JUDGMENT ORDER

On December 31, 2014, United States Magistrate Judge William B. Mitchell Carter filed a report and recommendation (“R&R”) in this case, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b) (Court File No. 15). Neither party has objected to the R&R within the given fourteen days.

After reviewing the record, the Court agrees with the R&R. The Court hereby **ACCEPTS** and **ADOPTS** the magistrate judge’s findings of fact, conclusions of law, and recommendations.

Accordingly, it is **ORDERED** that:

- (1) Plaintiff’s motion for Summary Judgment (Court File No. 11) is **GRANTED** in part to the extent that it seeks remand and **DENIED** in part, to the extent it seeks reversal for an award of benefits;
- (2) The Commissioner’s Motion for Summary Judgment (Court File No. 13) is **DENIED**;
- (3) The Commissioner’s decision is **REVERSED AND REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for action consistent with the Report and Recommendation (Court File No. 15) (1) to further evaluate the opinion of the treating physician and further evaluate the opinion of the state agency physicians in light of the record showing they considered the detailed notes of the treating

physician before opining Plaintiff was capable of only light work and **REMANDED** to the Commissioner for further administrative consideration of new and material evidence under Sentence Six of 42 U.S.C. § 405(g) to reassess the case in light of all of the evidence including the evidence presented by Plaintiff after the administrative hearing and to consider any other evidence presented bearing on the question of Plaintiff's RFC.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Debra C. Poplin
CLERK OF COURT